

**GOVERNMENT OF ANDHRA PRADESH
ABSTRACT**

Gram Panchayats – Thurkakpally Gram Panchayat – Appeal Petition filed by Sri V. Mallesh, Sarpanch (Removed), Thurkapally Gram Pancchayat, Shamirpet Mandal of Ranga Reddy District against the proceedings of the District Collector (PW), Ranga reddy District – Appeal Petition allowed - Orders - Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

G.O. Rt. No. 1359

Dated:22-08-2011

Read the following:-

1. G.O. Rt No..262, PR & RD (PTS.II) Deptt.,dt 22-02-2011.
2. From the Dy. Registrar, AP HC, Hyd. WP No. 13683 of 2011, dt 13-04-2011
3. From the Asst. Registrar, APHC, Hyd. WPMP No. 16585 of 2011 in WP No. 13683 of 2011,dt 13-04-2011.
4. From the Dy. Registrar, AP Lokayukta, HYd. Lr. Dis. No. 1367/2010/B1/Lok/3749/2010,dt 25-11-2010.
5. From the Dist. Collector (PW), R.R Dist Proceeds No. 482/2009-B2(Pts), dt 3-06-2011.
6. Govt Memo No.13289/Pts.II/A2/2011-1,dt 21-06-2011.
7. From the Dy. Registrar, AP Lokayukta, HYd. Lr. Dis. No. 1367/2010/B1/Lok/3229/2011,dt 2-07-2011.
8. Appeal Petition filed by Sri V. Mallesh, Sarpanch (Removed), Thurkapally Gram Pancchayat, Shamirpet Mandal, Ranga Reddy District,dt 27-07-2011.
9. From the Asst. Registrar, AP HC, Hyd., WPNo. 13683 of 2011, dt 19-07-2011.
10. Govt. Telegram No. 13289/Pts.II/A2/2011-2,dt 3-08-2011.
11. R. Maruthi & others written statement dt 9-08-2011.

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ORDER:

In the reference 1st read above Government after detailed examination of the Appeal Petition filed by Sri V. Mallesh, Sarpanch (Removed), Thurkapally Gram Pancchayat, Shamirpet Mandal of Ranga Reddy order was issued allow by the Appeal Petition set aside the proceeding s of the District Collector (PW), Ranga Reddy issued dated 19-05-210.

2. Aggrieved by the above said orders Sri R. Maruthi and others have filed a WP No. 13683 of 2011, dt 13-04-2011 before Hon'ble High Court vide reference 2nd read above.

3. In the reference 3rd read above, the Hon'ble High court has granted interim suspension orders against the Government orders issue d vide reference 1st read above.

4. In the reference 5th read above, the District Collector (PW), Ranga Reddy has issued orders implementing the High Court of Andhra Pradesh and the Government has issued directions to the District Collector (PW), R. R to file counter affidavit in the reference 6th read above.

5. In the reference 8th read above Sri V. Mallesh, Sarpanch (Removed), Thurkapally Gram Pancchayat, Shamirpet Mandal of Ranga Reddy has filed an Appeal Petition before Government by enclosing the High Court directions issued vide reference 9th read above.

(Contd..2)

6. In the reference 9th read the Hon'ble High Court while allowing the WP No. 13683 of 2011, dated 19-07-2011 has directed to the Government shall consider the matter afresh by giving notice to the petitioners and the 4th respondent as well and also pass appropriate orders in accordance with law as expeditiously as possible preferably within period of four weeks from the date of receipt of a copy of the order by set aside the order issued vide reference 1st read above.

7. The brief of the case was that as seen from the records, there were totally 7 allegations leveled against Sarpanch. The Counsel for appellant submitted that there were totally 7 allegations leveled against him relying upon the false and baseless allegations of the ward members who belongs to rival groups and he has been implicated in the present case only because of the political rivalry existing between the ward members and himself. The Appellant Counsel submits that at the first instance to the authorities have not examined the matter in detail and without verification of the concerned records passed the removal order despite of having all the concerned records and failed to ascertain the facts of the case. The counsel for appellant in his Appeal dated 20-05-2010 has stated that the excess amount paid to the Contractor arise due to that subsequently the authorities have deducted certain amounts. The second allegation regarding not maintenance of the Stock Register etc., the concerned official passed orders without properly verifying records. Regarding third allegation, due not known the procedure and based on the resolutions of the Gram Panchayat, the said amount was incurred. Regarding not taken permission from the higher authorities, the Sarpanch have been taken all approvals and incurred according to the rules. Regarding fifth allegation maintaining stock register on the street lights, the Sarpanch has stated that all records were produced and entries have been made in the Stock Register. 6th allegations are also not correct and maintained records. Regarding 7th allegation, the Gram Panchayat was approved the resolution and incurred the expenditure according to rules. During the hearing held on 29-01-2011 and as per statement given by the District Panchayat Officer, Ranga Reddy District, it is observed that the Sarpanch has remitted the alleged amount which were not permissible as per rules and after examination of the records, the Appeal was allowed vide reference 1st read above. In the meantime Sri O. Venkatesh has filed a complaint before Lok Ayukta for early disposal of Appeal Petition. After disposal of Appeal Petition, the Lok Ayukta in their letter dated 2-07-2011 has ordered to the District Panchayat Officer to see that all the required is placed before the Station House Office, Shamirpet to complete the investigation as well as to take appropriate action and at the same Sri R. Maruti & others, Thurkapally village have gone to the Hon'ble High Court and filed WP No, vide reference 2nd read above and the Hon'ble High Court vide reference 3rd above has granted interim suspension on the Government order. Finally, the Hon'ble High Court while disposing the said WP, in their order dt 19-07-2011 has directed to fresh consider the Appeal Petition by set a side the orders issued vide 1st read above.

8. This present Appeal is filed as per the provisions contemplated u/s 249 (7) of APPR Act praying in the circumstances as stated in the accompanying affidavit filed herein praying State government of A.P to set aside the orders of the learned District Collector (PW), Ranga Reddy issued vide reference 1st read above and set aside by declaring it as illegal, un-sustainable and also the instructions were issued to all concerned to attend hearings on 9-08-2011 in the reference 10th read above.

9. The case was heard on 9-08-2011. The District Panchayat Officer, the Divisional Panchayat Officer, Sarpanch with his counsel and the Write Petitioners namely R. Maruthi & others were appeared in person and submitted the entire material available on records and submitted their explanations.

10. The District Panchayat Officer has stated that certain alleged misused amount has since been remitted to the accounts of the Gram Panchayat and completed the formalities such as recording of MBs, entry in the stock registers etc. The Sarpanch has submitted that he has completed all the formalities and requesting to allow his appeal.

Certain Ward Members have also represented and stated that the Sarpanch has misused the powers. After hearing them and after perusal of material available it has observed that the misused amount has been remitted to the Gram Panchayat by the contractors and the Sarpanch and necessary formalities have since completed.

11. The Government after careful examination of the matter and material on record hereby allow the Appeal Petition filed by Sri V. Mallesh, Sarpanch (Removed), Thurkapally Gram Pancchayat, Shamirpet Mandal of Ranga Reddy District and hereby confirm the orders issued vide reference 1st read above.

12. The District Collector (PW), Ranga Reddy District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. RAJIV SHARMA
PRINCIPAL SECRETARY TO GOVERNMENT

To

The District Collector (PW), Ranga Reddy District.

The Commissioner, Panchayat Raj and Rural Employment, Hyderabad.

The District Panchayat Officer, Ranga Reddy District.

Copy to:

Sri V. Mallesh, Sarpanch (Removed), Thurkapally Gram Pancchayat,
Shamirpet Mandal of Ranga Reddy District

Sri R. Maruti Member of ward No. 9, Thurkapally Gram Pancchayat, Shamirpet
Mandal of Ranga Reddy District

The P.S to M(PR & RWS)

The Government Pleader for PR, APHC., Hyderabad.

(with a request to appraise the above position to the Hon'ble High Court
of AP, Hyderabad immediately.)

Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER